| | Application No. | Applicant(s) |
|---|---|---|
| **Notice of Allowability** | 10/606,028 | CHONG ET AL. |
| | Examiner | Art Unit |
| | Thanh Tammy Nguyen | 2144 |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--*

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to _April 29, 2008_.

2. ☒ The allowed claim(s) is/are _1-5 (New claims 1-5)_.

3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

      a) ☐ All    b) ☐ Some*    c) ☐ None    of the:

          1. ☐ Certified copies of the priority documents have been received.

          2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

          3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

    * Certified copies not received: _____ .

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.

    (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached

        1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____ .

    (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____ .

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)

2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3. ☒ Information Disclosure Statements (PTO/SB/08),
    Paper No./Mail Date _04/29/08, 05/30/08_

4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application

6. ☒ Interview Summary (PTO-413),
    Paper No./Mail Date _____ .

7. ☒ Examiner's Amendment/Comment

8. ☒ Examiner's Statement of Reasons for Allowance

9. ☐ Other _____ .

/Thanh Tammy Nguyen/
Primary Examiner, Art Unit 2144

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WASHINGTON, D.C. 20231
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## EXAMINER'S AMENDMENT

1.      An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2.      Authorization for this examiner's amendment was given in a telephone interview with Applicant's attorney, Janaki K. Davda (reg. 40, 684) on June 15, 2008.

3.      The applicant has been amended as follow:

1.(Currently Amended) A method for monitoring the performance of applications running on a plurality of servers in a distributed computing environment, comprising: providing a user with at least two choices as to a level of monitoring, receiving from a user selected information for monitoring, wherein the selected information for monitoring includes user selection of one of a level of monitoring and particular features to be monitored, wherein each level of monitoring provides a different level of detail, wherein the selected information for a first level of monitoring comprises request level data and server level data, wherein the selected information for a second level of monitoring

includes the selected information for the first level and API level data, <u>wherein the API level data includes data regarding throughput of a particular CPU and functionality to permit the user to provide a soft cancel of a request, and</u> wherein the selected information for a third level of monitoring includes the selected information for the second level of monitoring and method level data, wherein the user is provided with an option of changing dynamically between the second level and the third level, receiving from the user identification of a schedule for monitoring of the selected information, wherein the schedule consists of a group of schedule records, each of which is a combination of a start date and time and a monitoring level, wherein the schedule define times for a monitoring level to change, monitoring application performance in accordance with the selected information and in accordance with the identified schedule, wherein the monitoring commences with a first schedule record, wherein the monitoring changes when a current time is a start time and date of another schedule record, and wherein the monitoring continues through successive schedule records, and making monitored performance information available to the user in accordance with the selected information, <u>wherein the selected information includes availability management including information as to whether a particular application is running on a particular server, system resources including information as to an amount of available memory and a number of available connections, and basic request data including a number of requests being made and a number of requests being completed.</u>

2.(Original) The method of claim 1, wherein the user is prompted to identify a scope of information to be monitored, and wherein application server performance is monitored in accordance with the selected scope.

3.(Currently Amended) The method of claim 2, wherein said scope comprises a first

monitoring level. [[wherein the selected information includes availability management

including information as to whether a particular application is running on a particular

server, system resources including information as to an amount of available memory and

a number of available connections, and basic request data including a number of requests

being made and a number of requests being completed]].

4.(Currently Amended) The method of claim 3, wherein said scope further comprises a

second monitoring level wherein the selected information further comprises the API level

data for problem determination for servers with a high volume of transactions and

occasional instability. [[wherein the API level data includes data regarding throughput of

a particular CPU and functionality to permit the user to provide a soft cancel of a

request]].

5.(Orginal) The method of claim 4, wherein said scope further comprises a

third monitoring level, wherein the selected information further comprises the method

level data for problem determination for servers that have been selected for diagnostics,

detailed workload characterization and profiling.

6-80. (Cancelled).


## *Conclusion*


With respect to claims 1-5, the prior art of record, individually or in combination, fails to

teach, suggest or render obvious the claimed invention in combination with applicant's

arguments. Specially, the prior art of the record fails to teach or suggest a method for

monitoring the performance of applications running on a plurality of servers in a

distributed computing environment, comprising: providing a user with at least two

choices as to a level of monitoring, receiving from a user selected information for

monitoring, wherein the selected information for monitoring includes user selection of

one of a level of monitoring and particular features to be monitored, wherein each level

of monitoring provides a different level of detail, wherein the selected information for a

first level of monitoring comprises request level data and server level data, wherein the

selected information for a second level of monitoring includes the selected information

for the first level and API level data, wherein the API level data includes data regarding

throughput of a particular CPU and functionality to permit the user to provide a soft

cancel of a request, and wherein the selected information for a third level of monitoring

includes the selected information for the second level of monitoring and method level

data, wherein the user is provided with an option of changing dynamically between the

second level and the third level, receiving from the user identification of a schedule for

monitoring of the selected information, wherein the schedule consists of a group of

schedule records, each of which is a combination of a start date and time and a

monitoring level, wherein the schedule define times for a monitoring level to change,

monitoring application performance in accordance with the selected information and in

accordance with the identified schedule, wherein the monitoring commences with a first

schedule record, wherein the monitoring changes when a current time is a start time and

date of another schedule record, and wherein the monitoring continues through

successive schedule records, and making monitored performance information available to

the user in accordance with the selected information, wherein the selected information

includes availability management including information as to whether a particular

application is running on a particular server, system resources including information as to

an amount of available memory and a number of available connections, and basic request

data including a number of requests being made and a number of requests being

completed (as disclosed in specification paragraphs 0045-0049, 0052, 0069).


        Any comments considered necessary by applicant must be submitted no

latter than the payment of the issue fee, and avoid processing delays, should preferably

accompany the issue fee.  Such submission should be clearly labeled "Comments on

Statement of Reason for Allowance."


### *Conclusion*


4.      Any inquiry concerning this communication or earlier communications

from the examiner should be directed to Tammy T. Nguyen whose telephone number is

571-272- 3929.  The examiner can normally be reached on Monday - Friday 8:30 - 5:30.

     If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, *William Vaughn* can be reached on 571-272-3922.  The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system.  Status information for published

applications may be obtained from either Private PAIR or Public PAIR.  Status

information for unpublished applications is available through Private PAIR only.  For

more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO

Customer Service Representative or access to the automated information system, call

800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thanh Tammy  Nguyen/

Primary Examiner, Art Unit 2144